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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/153,577 09/15/98 ZIGMOND

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EXAMINER

TM02/0201

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ART UNIT

PAPER NUMBER

2182

DATE MAILED:

02/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.  
09/153,577

Applicant(s)  
ZIGMOND ET AL.

Examiner  
Tammara Peyton

Group Art Unit  
2182



☒ Responsive to communication(s) filed on Dec 27, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 6, 7, 11-16, 21, 22, 24-28, and 30-34 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 6, 7, 11-16, 21, 22, 24-28, and 30-34 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

1. This Office Action is in response to Supp. Amendment C filed on 12/27/00. Claims 6, 7, 11-16, 21, 22, 24-28, and 30-34 are pending for application 09/153,577 filed on 09/15/98.

#### ***Claim Rejections - 35 USC § 112***

2.
  - a. Claims 13-15 recites the limitation "the control panel". There is insufficient antecedent basis for this limitation in these claims.
  - b. Claim 24, includes a step (f) which is implemented in claim 21. Correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 6, 7, 11-16, 21, 22, 24-28, and 30-34, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kaplan*, patent number 6,058,430, *Smith*, patent number 6,169, 541 and in further view of *Maa* patent number 5,818,935.

5. As per claims 6, 27, and 28, *Kaplan* teaches of a method of operating a screen to transition between display of a television signals [via television receiver, 10, Fig. 1] and display of auxiliary data from an auxiliary data network [Internet subsystem, 12, Fig. 1] that delivers data apart from the television signal [Fig. 1], comprising:

displaying a television signal; [*Kaplan*, col. 3, lines 66 - col. 4, lines 1-10]

in response to link data conveyed with the television signal, displaying with the displayed television signal an icon, said icon indicating the availability of associated auxiliary data from the auxiliary data network; and [col. 4, lines 66 - col. 5, lines 1-9]

responsive to a signal from a viewer during the displaying the icon, cause the display of the auxiliary data associated with the icon. [*Kaplan*, col. 5, lines 15 - col. 6, lines 1-20]

6. *Kaplan* teaches of a graphic display controller, 46 display a connecting symbol or message on the television screen when the user selects the received icon. *Kaplan* does not clearly teach of a two step process wherein a graphical control panel overrides the user's television screen and if the user indicates a continued interest in the auxiliary data then the system proceeds to the Internet.

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7. Nonetheless, *Smith* teaches of a WEB TV system utilizing a method of operating a screen to transition between display of a television signals and display of auxiliary data from an auxiliary data network that incorporates a two step user control panel process. *Smith* discloses a control panel that overrides the user's television screen if the user clicks on the received embedded WWW URL, and if the user indicates a continued interest in the auxiliary data then the system proceeds to the Internet. [*Smith*, col. 2, lines 35-48, 60 - col. 3, lines 1-31, Figs. 1-3]

8. *Smith* method step of Fig. 3 teaches of whether a valid image received is selected during a television program, step 302, next "checking whether a user wants to hide URLs" at box 304, when the URL is received with a broadcast television signal, "if user has selected to hide URLs" i.e. the user shows no interest a program within the system filters out or hides the URL from the user's television screen. It would have been obvious to one of ordinary skill that *Smith* teaches of a two step process by giving the user a choice to either purge the television screen of the received URL or continuing to the Internet. If the user has continued interest check to see if "user is selecting...preferences" step 308, then the system checks to see for matching URLs, step 312, 314, and 316, and then the system proceeds to the Internet to retrieved the selected URL. It would have been obvious to one of ordinary skill that a control panel of some sort would appear over the user's television screen in order for the user to correctly navigate through the process steps of Fig. 3. Further, it would have been obvious to one of ordinary skill that a question like

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image would appear with a yes or no graphic in order to navigate through the method steps 304 and 308.

9. Consequently, *Maa* also teaches of a WEB TV system utilizing a method of operating a screen to transition between display of a television signals and display of auxiliary data from an auxiliary data network that incorporates a two step user control panel process. Specifically, *Maa* discloses superimposing over a television screen a two-dimensional menu of text messages related to URLs received through an television signal. [*Maa*, col. 3, lines 48-55, and col. 6, lines 7-29, 47-52] It would have been obvious to implement the two step control panel design of *Maa* into *Smith's* inherent control panel related to Fig. 3 and not depart from *Smith's* inventive concept, the motivation would have been to provide a easy-to-use user interface design. [*Maa*, col. 3, lines 53-55]

10. It would have been obvious for one of ordinary skill to realize the systems of *Kaplan*, *Smith*, and *Maa* draws to the same conclusion of displaying an icon associated with the current program, wherein if the icon is selected, display information related to said program. Therefore, the specific implementation logic of a two step process, as taught by *Smith-Maa*, offering an easy-to-use user interface design that determines if the user wants to hide the received URL or proceed to the Internet in order to gather more information about a television program could be implemented in *Kaplan's* graphic display controller, 46 that displays a connecting symbol

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graphic or message on the television screen when the user selects the received icon, would have been obvious. The motivation would have been to add to *Kaplan's* system flexibility by giving the user an easy-to-use interface for preferences when filtering received URL for display. [*Smith*, Note Abstract, Summary]

11. As per claims 7, 11, 12, 33, and 34, *Kaplan* teaches of receiving and showing an icon at a predetermined time as it relates to a specific program obvious on a specific channel, it would have been obvious that after that specific program has finish that particular icon related to the show is removed from the screen. Further, it would have been obvious that the icon would only appear for a limited amount of times during the broadcast in order to not inhibit the viewer's program and *Kaplan* would also teach a code to implement the method.

12. As per claim 13-15, *Smith-Maa* teaches a method of displaying in the control panel a title of the auxiliary data associated with the received URL and responsive to a second signal, (i.e. continued interest from the viewer during the displaying of the control panel and a television program, displaying the auxiliary data.

13. As per claims 16, 21, 22, 24, and 30, *Kaplan* combined with *Smith* and *Maa* discloses a method of the claim invention. Specifically, the *Smith-Maa* system discloses of a two step process wherein the user is given options to neither (1) hiding the received URL thereby

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continuing to watch a television program or (2) proceeding to the Internet to retrieve the received URL. It would have been obvious that both options resolve in the ending of the control panel. [See above paragraphs]

14. As per claims 25 and 26, *Smith* and *Maa* disclose checking to see if the received URL and television signal can be identified by the system's memory and recalling at least part of the memory for displaying to the screen. [*Smith*, Fig. 2 and 3, *Maa*, Fig. 3]

15. As per claims 31 and 32, it would have been obvious that the icon is translucent in order to not inhibit the viewer's program during the broadcast. Further, it is a well known technique to change the luminance of a control panel especially for WEB TV compliance systems.

### ***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period



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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 8:00 - 4:30 from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee, can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

Faxes for formal communications intended for entry should be sent to:

(703) 308-9051,

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or, for informal or draft communications, to:


(703) 306-5404 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Tammara Peyton

January 25, 2001



**THOMAS LEE**  
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